

Curling, Donna v. Raffensperger, Brad

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1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF GEORGIA  
3 ATLANTA DIVISION

4 DONNA CURLING, et al.,

5 Plaintiffs, CIVIL ACTION FILE

6 vs. NO. 1:17-cv-2989-AT

7 BRAD RAFFENSPERGER, et

8 al.,

9 Defendants.

10  
11  
12 DEPOSITION OF

13 RICARDO DAVIS

14 September 29, 2021

15 9:09 a.m.

16  
17 TAKEN BY REMOTE VIDEO CONFERENCE

18 LaRita J. Cormier, RPR, CCR-2578  
19  
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21  
22  
23  
24  
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Curling, Donna v. Raffensperger, Brad

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12 Also present:

13 MARILYN MARKS, Coalition for Good

14 Governance

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1 afterwards?

2 A. Yes.

3 Q. Where was that?

4 A. Undergraduate at the University of  
5 Arkansas, graduate at Texas A&M University.

6 Q. Excellent. What did you earn your  
7 undergraduate degree in?

8 A. Chemistry, with a minor in computer  
9 science.

10 Q. Okay. Tough major definitely. What years  
11 were you at University of Arkansas?

12 A. From 1981 to 1986.

13 Q. And you went to grad school, so I'm  
14 assuming you graduated. What did you go to graduate  
15 school for?

16 A. Chemistry.

17 Q. Anything in particular, any specific side  
18 of chemistry, or concentration?

19 A. Yes. My concentration was in analytical  
20 chemistry.

21 Q. And what does that entail?

22 A. Well, the branch of analytical chemistry  
23 entailed, as the name would suggest, the specific  
24 analysis made to determine what the investigator is  
25 trying to discern with regard to a particular

1 problem in chemistry.

2 Q. Okay. And when you say "investigator," are  
3 you using that term as sort of a profession, like,  
4 did it focus on how criminal investigations involve  
5 chemistry or how a chemist is investigating a  
6 particular, you know, chemistry problem?

7 A. The latter.

8 Q. Okay. And you might have already said  
9 this, but when did you or did you graduate in the  
10 chemistry graduate program?

11 A. Yes. I graduated in 1990.

12 Q. 1990. Did you go straight from undergrad  
13 in '86 to grad school, or did you take some time off  
14 in between?

15 A. Oh, I -- I went directly to.

16 Q. Okay. As a master's degree or Ph.D.?

17 A. I received a master's degree.

18 Q. Okay. Anything beyond that master's degree  
19 in terms of educational training?

20 A. No.

21 Q. Okay. Any licenses or certifications that  
22 you might have?

23 A. No.

24 Q. Okay. And any other education that you --  
25 that you have beyond what you told me?

1 A. Yes.

2 Q. So what type of IT professional are you?  
3 What is your -- what's your current role? Let's  
4 start with that. What's your current role, if any,  
5 in the IT industry?

6 A. Okay. My current title is senior  
7 integration analyst.

8 Q. How long have you -- I'm sorry, say that  
9 again?

10 A. The work is in the healthcare setting.

11 Q. And how long have you been in information  
12 technology?

13 A. Since 1995.

14 Q. Okay. So that would have been about five  
15 years after you graduated from Texas A&M in  
16 chemistry. What did you do in that intervening five  
17 years between graduating from Texas A&M and  
18 beginning your information technology role?

19 A. I worked as a research scientist for  
20 Westinghouse.

21 Q. Okay. And what years was your -- what  
22 years were you at Westinghouse?

23 A. From 1990 through roughly 1994.

24 Q. Okay. And what did that job entail as a  
25 research scientist?

1           A. I was a chemical process modeler. I won't  
2 go into the weeds with you, but essentially what me  
3 and my colleague did was we created models of  
4 chemical processes on plants which involved not only  
5 computational chemistry but also visualization.

6           Q. Okay. Might be getting over my head  
7 already, but I appreciate that. And so then after  
8 your time at Westinghouse, you got into information  
9 technology; is that correct?

10          A. That is correct.

11          Q. Okay. And let's just kind of go through  
12 your career in IT. When did you begin -- what job  
13 did you begin at in 1995?

14          A. I was a help desk agent with Hewlett  
15 Packard as a contractor.

16          Q. Okay. And what years did you do that for?

17          A. I believe about a year and a half.

18          Q. After that, did you stay in IT?

19          A. Oh, yes.

20          Q. And what was your next position?

21          A. From there, I was a developer with --  
22 again, on a contract basis -- with AT&T.

23          Q. As a developer, what sort of job duties did  
24 you have?

25          A. These were primarily web design and web



1 application development projects.

2 Q. Okay. How long did you do that for?

3 A. Again, that was about year and a half.

4 Q. Year and a half? So would you say you  
5 finished this role around 1999?

6 A. Probably sooner.

7 Q. So 1998 then?

8 A. Yeah. You know what, though, now that  
9 you -- I believe -- I will refer counsel to my  
10 LinkedIn page, which I believe have many of the  
11 details that you're inquiring about.

12 Q. Okay.

13 A. And I will defer to that resource for the  
14 specifics in terms of dates and times.

15 Q. Dates and times, okay. Do you have any  
16 reason to think that anything on your LinkedIn page  
17 would be inaccurate?

18 A. No, I don't.

19 Q. Okay.

20 A. I will say one comment, in that in terms of  
21 my recent employment with Common Spirit Health, it  
22 is not up to date.

23 Q. Okay. And how long have you been with  
24 Common Spirit Health?

25 A. As an employee, since December 30th, 2020.

1 Q. Were you a contractor before that?

2 A. Yes.

3 Q. When did you start as a contractor with  
4 them?

5 A. 2015.

6 Q. 2015? And when you say you're a  
7 contractor, are you hired individually or do you  
8 work with maybe a temporary staffing company or a  
9 contract based staffing company that sort of you're  
10 on their payroll and then you work with other  
11 employers through that staffing company?

12 A. Close. I was a subcontractor.

13 Q. Okay.

14 A. To the firm Matrix Resources.

15 Q. Okay. So you were a subcontractor for  
16 Matrix Resources, which is a staffing firm; is that  
17 correct?

18 A. Correct.

19 Q. Okay. And through your subcontracting at  
20 Matrix Resources, you were placed at -- I'm sorry,  
21 could you say that name again? Was it --

22 A. Common Spirit Health.

23 Q. Common Spirit Health.

24 A. At the time of the hire, the organization  
25 was known as Dignity Health.

1 Q. And what have you done -- what's your job  
2 duties, your job role when you were a subcontractor  
3 for Matrix Resources at Common Spirit?

4 A. Common Spirit, Common Spirit Health. Thank  
5 you.

6 Q. What were your job duties while you were  
7 there?

8 A. Well, since I'm still there and still doing  
9 the same thing.

10 Q. Well, so -- sorry to interrupt you, but  
11 just to make sure my question is clear, what were  
12 your job duties at Common Spirit Health while you  
13 were a subcontractor through Matrix Resources?

14 A. And to answer the question, they are the  
15 same as my current duties, which are enterprise  
16 application data integration between systems.

17 Q. Okay. What is -- what does that entail, at  
18 a high level?

19 A. At a pedestrian level?

20 Q. Sure.

21 A. When you walk into, let's say you go in to  
22 get an x-ray, you walk into the clinic. They  
23 register you on their electronic health records  
24 system. You walk back to the room where the x-ray  
25 machine is, and the technician pulls your

1 information up on the particular x-ray system. My  
2 job is to make sure that that data from the  
3 registration system gets to the x-ray system. That,  
4 at a very high level, is part of the work of the  
5 integration analyst.

6 Q. Okay. That helps. Thank you.

7 A. You're welcome.

8 Q. So then I think it's fair to say you've  
9 been in IT since, I believe I have '95 on here, but  
10 you've been trained -- I think it's fair to say  
11 you've been trained to a certain degree and have  
12 education related to computers; is that right?

13 A. I've been around the block for a while,  
14 yes.

15 Q. Okay. Do you do any -- do you have any  
16 experience with the hardware side of computers,  
17 constructing hardware, deconstructing it, anything  
18 like that?

19 A. Some.

20 Q. Is any of that experience through your job  
21 as an IT professional or is it more of a hobby?

22 A. Some. Especially in my early days.

23 Q. Okay.

24 A. It was part of, you know, if you're doing  
25 help desk work, you have to know something of the

1 Q. Uh-huh. Okay.

2 A. That level of troubleshooting continues to  
3 this day. Like I said, it's minimal, but it's  
4 something that I have to deal with on occasion  
5 regularly.

6 Q. Okay. So do you have any training or  
7 education related to computer hacking or the  
8 insertion of malware into the computer system or  
9 voting machine?

10 A. I do not.

11 Q. Okay. Any training or education concerning  
12 the operation or functioning of direct recording  
13 electronic voting machines that are commonly  
14 referred to as DREs?

15 A. No formal training.

16 Q. Okay. Any training or education concerning  
17 the operation or functioning of ballot marking  
18 devices, more commonly referred to as BMDs?

19 A. Again, no formal training.

20 Q. What type of informal training do you have?

21 A. Primarily reading specs and monographs  
22 regarding said system.

23 Q. Okay. Have you ever physically examined a  
24 ballot marking device?

25 A. Clarifying question, is this examination as

1 of visual inspection? Is it examining operating  
2 characteristics of the --

3 Q. Sure. Let's start with visual inspection.  
4 Have you ever visually inspected a ballot marking  
5 device?

6 A. Oh, yes.

7 Q. And you did that in person or through  
8 pictures?

9 A. In person.

10 Q. When was that?

11 A. The last I can recall is November 3rd,  
12 2020.

13 Q. Is that when you were voting?

14 A. That was when I was poll watching.

15 Q. Poll watching, okay. Have you ever voted  
16 on a ballot marking device?

17 A. No.

18 Q. Okay. So beyond the visual inspection  
19 while you were poll watching on November 3rd, is  
20 that -- I'm sorry, did I get that wrong? You said  
21 you were poll watching on November 3rd; right?

22 A. That's correct.

23 Q. And so you sort of -- when you say you  
24 visually inspected a BMD, did you look to determine  
25 how it operated or did you just see them in the

1 room?

2 A. I saw them in the room. I saw them being  
3 used.

4 Q. Okay. And did you ever open up any of the  
5 components on the BMD and tinker with them?

6 A. That would be prohibited during that  
7 particular role.

8 Q. Okay. So that would be a no, then?

9 A. Yes.

10 Q. Okay. Good. Now would you count  
11 visualizing and seeing them in the election room or  
12 your poll watching, would you count that among your  
13 informal training of BMDs?

14 A. Yes.

15 Q. Okay. Any other informal training that you  
16 have with BMDs, that you can think of?

17 A. Again, other than self-paced learning and  
18 reading, no.

19 Q. Okay. What sort of stuff did you read  
20 about BMDs?

21 A. Well, just stuff on the Internet.

22 Q. Have you read any of the reports, the  
23 expert reports filed in this case about BMDs?

24 A. I don't recall offhand.

25 Q. Okay. Would you say your reading, then,

1 was more limited to general Internet websites?

2 A. My phone dropped. Hang on.

3 Q. Okay.

4 A. We're back.

5 MR. JACOUTOT: If the court reporter would  
6 read the last question back.

7 (The reporter read the requested material.)

8 BY MR. JACOUTOT:

9 Q. I can rephrase that, Mr. Davis, if it  
10 helps.

11 A. I can respond. My reading was limited to  
12 reports and documents that were retrieved over the  
13 Internet.

14 Q. Okay. And would you say that it then did  
15 not include the -- the docket for this case, some of  
16 the reports are online as well. So that's why I'm  
17 asking, trying to determine whether you read it from  
18 your -- from an expert report from this case,  
19 specifically from the online docket, or if it was  
20 more from, you know, a website unrelated to this  
21 court system, the federal court system.

22 A. Hmm. I can't say for sure whether or not I  
23 did or not.

24 Q. Okay. That's fine. So apart from the, you  
25 know, time you spent in the polling place, you know,



1 observing BMDs and the reading that you've done from  
2 online sources, do you have any other informal  
3 education about them?

4 A. The only thing I can probably ask of that  
5 is watching other experts' testimony regarding their  
6 systems.

7 Q. Okay. And what expert testimony did you  
8 watch regarding the BMDs?

9 A. I believe Dr. Halderman in particular comes  
10 to mind, but that's the only one I can think of  
11 right offhand.

12 Q. Okay. And when did you observe  
13 Dr. Halderman testifying about BMDs?

14 A. I don't recall.

15 Q. Okay. Do you recall if it was -- your  
16 observing of Dr. Halderman, do you recall if it was  
17 related to this particular case?

18 A. I don't recall.

19 Q. Okay. Do y'all mind if we take a break  
20 'til 10:05?

21 A. A break would be very much appreciated.

22 Q. Excellent. Let's go ahead and do that.

23 (Recess 9:58 to 10:09 a.m.)

24 A. Well, when we were asking questions about  
25 my various legal past and legal involvement, I did

1 referred me to your LinkedIn, sort of a better job  
2 history, and you verified that you don't believe  
3 there's anything inaccurate in that LinkedIn to your  
4 knowledge; is that right?

5 A. That is correct.

6 Q. The one question I would ask specifically  
7 then is, do you have any employment -- any  
8 employment history ever previously worked at an  
9 organization that is related to voting or elections  
10 specifically?

11 A. No.

12 Q. Okay. Perfect, thank you.

13 A. Question, clarifying question.

14 Q. Sure.

15 A. Voting or elections. Do you mean, like,  
16 working for a company like Dominion as a contractor?  
17 Is that what you're referring to?

18 Q. Yeah. And we'll -- I certainly would be  
19 referring to that, and sort of broadly speaking, if  
20 any company dealt specifically with elections or  
21 voting as a part of their overall organizational  
22 mission.

23 A. No, never worked for a company doing that  
24 kind of work.

25 Q. Okay. And so you have voted on the DRE

1 fair to say that the primary goal of your work with  
2 the Coalition for Good Governance is to make voting  
3 by paper ballot a reality in Georgia?

4 A. Restate the beginning of that question,  
5 please.

6 Q. Sure. Would it be fair to say -- strike  
7 that. I'll just restate the whole question,  
8 including the beginning, so there's no confusion.

9 Would it be fair to say that your primary  
10 goal of your work with the Coalition for Good  
11 Governance is to make voting by paper ballot a  
12 reality in Georgia?

13 A. No.

14 Q. How would you characterize your primary  
15 goal in working with the Coalition for Good  
16 Governance?

17 A. I would characterize the primary goal of  
18 the relationship in being restoring constitutional  
19 legal transparent elections in the state of Georgia,  
20 of which the specific item that you mentioned is  
21 part of that.

22 Q. Okay. So to make sure I understand your  
23 response correctly, the primary goal of your work  
24 with CGG is to make sure that there are  
25 constitutional legal transparent elections in

1 Georgia, and using paper ballots in elections would  
2 achieve that goal; is that correct?

3 A. That would be part of achieving that goal.

4 Q. Are elections by paper ballots the only way  
5 to achieve that goal? And I'll rephrase that  
6 question, so we can strike that. You don't have to  
7 answer it.

8 Are elections by paper ballot the only way  
9 to achieve constitutional elections in Georgia, to  
10 your knowledge?

11 A. No, no.

12 Q. Okay. As a plaintiff in this case, is it  
13 fair to say that you're familiar with the claims in  
14 this case?

15 A. Generally, yes.

16 Q. Okay. And apart from the claims in this  
17 case, are there any other claims that you plan on  
18 making that have not yet been made?

19 A. No.

20 Q. Okay. Now you voted in numerous elections;  
21 correct?

22 A. Yes.

23 Q. Do you have any evidence that any of the  
24 votes that you cast in any Georgia election were not  
25 counted?

1           A. Is counsel asking if I have any knowledge  
2       that my ballot cast was not counted?

3           Q. That is the question.

4           A. I am not aware.

5           Q. Okay. Do you have any evidence that any  
6       votes that you have cast in Georgia have ever been  
7       changed from the selection that you made?

8           A. No.

9           Q. Do you have evidence that any DREs in any  
10      election in Georgia has ever actually been hacked?

11          A. Define hacked.

12          Q. Manipulated in such a way as to change the  
13      outcome of the voter selection.

14          A. Are you referring to the physical hardware,  
15      or are you talking about the data?

16          Q. I'm referring to the voter selection, so  
17      I'll rephrase the question. Do you have any  
18      evidence that any DRE used in any election in  
19      Georgia has ever been actually manipulated by a  
20      third party and, as a result of that manipulation,  
21      changed a selection to a different selection than  
22      that was selected by the voter?

23          A. Yes.

24          Q. What evidence do you have in that regard?

25          A. I personally have no evidence. However, I

1 am aware of cases that have come before the state  
2 election committee when it says activity was in  
3 question.

4 Q. So you're not referring, as you said, to  
5 any personal evidence that you possess, you're only  
6 referring to cases that have gone before the state  
7 election committee and alleged that they have been  
8 hacked and that their votes were changed?

9 A. Correct.

10 Q. Do you have any evidence that a BMD used in  
11 any election in Georgia has been hacked? And I'll  
12 represent to you that we can use the same definition  
13 for hacked for all of these that I just provided to  
14 you.

15 A. I am not aware, period.

16 Q. Understood. So when you say you're not  
17 aware, I'm not really asking that. I'm asking if  
18 you have any evidence that BMD used in any election  
19 in Georgia was hacked.

20 A. I do not.

21 Q. Okay. Do you have any evidence that  
22 malware was inserted in any voting machine in  
23 Georgia since 2019?

24 A. I do not have said evidence.

25 Q. Okay. And now this question sounds very

1 similar, but there's a slight difference. And I can  
2 point it out to you if you would like, but do you  
3 have any evidence that malware was inserted into any  
4 BMD used in an election in Georgia since 2019?

5 A. I do not.

6 Q. Okay. Now you mentioned that you've never  
7 voted on a BMD; is that correct?

8 A. That's correct.

9 Q. Do you have any plans to vote on a BMD in  
10 the future?

11 A. No.

12 Q. Okay.

13 A. Clarifying point.

14 Q. Sure.

15 A. I do not under the current election  
16 framework in the state of Georgia.

17 Q. Okay. Now is it -- is it fair to say that  
18 the reason why you don't have any plans to vote on a  
19 BMD in the future is your concern that it will not  
20 be accurately tabulated?

21 A. My concern is that there's a lack of  
22 integrity by audit to independently verify that such  
23 is the case.

24 Q. So your concern deals exclusively with the  
25 fact that you believe that there's not a sufficient

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## CERTIFICATE

STATE OF GEORGIA:

COUNTY OF FULTON:

I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the colloquies, questions and answers were reduced to typewriting under my direction; that the transcript is a true and correct record of the evidence given upon said proceeding.

I further certify that I am not a relative or employee or attorney of any party, nor am I financially interested in the outcome of this action.

I have no relationship of interest in this matter which would disqualify me from maintaining my obligation of impartiality in compliance with the Code of Professional Ethics.

I have no direct contract with any party in this action and my compensation is based solely on the terms of my subcontractor agreement.

Nothing in the arrangements made for this proceeding impacts my absolute commitment to serve all parties as an impartial officer of the court.

This t-



LaRita J. Cormier, RPR, CCR No. 2578